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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,231	05/25/2001	Donald Ray Gillis	ROC920010049US1	5859

7590 02/13/2004
Dugan & Dugan, L.L.P.
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Tarrytown, NY 10591

EXAMINER

BORISSOV, IGOR N

ART UNIT PAPER NUMBER

3629

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/866,231

Applicant(s)

GILLIS ET AL.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 13-17, 23-24, 26-29 and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Stewart (US 6,452,498).

Stewart teaches a method and system for geographic-based communications service, comprising:

Claim 1.

receiving a signal that indicates arrival of a customer at the airline terminal (column 2, lines 42-66);

in response to the received signal, accessing a database to retrieve first data concerning the customer (column 2, lines 42-66); identifying the customer (column 4, lines 13-15);

transmit second data via a wireless communication channel to the portable computing device carried by the customer (column 2, lines 42-66).

Claim 2. Transmitting the second data to a computing device carried by the customer (column 2, lines 42-66).

Claim 3. Receiving the signal from the computing device carried by the customer (column 2, lines 64-65).

Claim 4. Receiving the signal from a device carried by the customer (column 2, lines 64-65).

Claim 5. Said method and system, wherein the device carried by the customer is a computing device (column 2, lines 42-44; 64-65).

Claim 6. See claim 1.

Claim 7. See claim 1.

Claim 13. See claim 1.

Claim 14. See claim 3.

Claim 15. Said method and system, wherein the portable computing device is a personal digital assistant (PDA) (column 9, lines 7-8).

Claim 16. See claim 1.

Claim 17. See claim 1.

Claim 24. See claim 15.

Claim 23. See claim 1.

Claim 26. See claim 1.

Claim 27. Personal digital assistant inherently indicate a display device that is part of the portable computing device (column 9, lines 7-8).

Claim 28. See claim 1.

Claim 29. Identifying the customer on the basis of the received signal (column 4, lines 13-15).

Claim 33. See claim 1.

Claim 34. See claim 1.

Claim 35. See claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-12, 18-22, 25 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart.

Claim 8. Stewart teaches said method and system, wherein the transmitted data includes rental car and hotel reservation information (column 2, lines 42-46; column 3, lines 15-20).

However, Stewart does not specifically teach that said transmitted data includes flight reservation information.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The "receiving" through "transmitting" method steps would be performed the same regardless of the content of said transmitted data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Claim 9. Stewart teaches said method and system, wherein the transmitted data includes rental car and hotel reservation information (column 2, lines 42-46; column 3, lines 15-20).

However, Stewart does not specifically teach that said transmitted data includes instructions for checking-in for a flight.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The "receiving" through "transmitting" method steps would be performed the same regardless of the content of said transmitted data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Claim 10. Stewart teaches said method and system, wherein the transmitted data includes rental car and hotel reservation information (column 2, lines 42-46; column 3, lines 15-20).

However, Stewart does not specifically teach that said transmitted data includes a notification that a flight is delayed or canceled.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The "receiving" through "transmitting" method steps would be performed the same regardless of the content of said transmitted data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Claim 11. Stewart teaches said method and system, wherein the transmitted data includes rental car and hotel reservation information (column 2, lines 42-46; column 3, lines 15-20).

However, Stewart does not specifically teach that said transmitted data includes information concerning a substitute flight.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The "receiving" through "transmitting" method steps would be performed the same regardless of the content of said transmitted data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Claim 12. Said method and system, wherein the second data includes information concerning a hotel reservation (column 2, lines 42-46; column 3, lines 15-20).

Claim 18. See claim 8.

Claim 19. See claim 9.

Claim 20. See claim 10.

Claim 21. See claim 11.

Claim 22. See claim 12.

Claim 25. Stewart teaches said method and system, wherein the computing device is a portable smart device, notebook, personal computer or PDA. Also, Stewart

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teaches that a cellular telephone, if it were used in said system, would not provide adequate determination of the geographical location of said a cellular telephone.

However, the determining the geographical location of said portable device is not an inventive feature of the current application.

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stewart to include that said computing device is a cellular telephone, because it would allow the customer to make an emergency phone call upon arrival at the service facility in case the situation would necessitate said call.

Claim 30. See claim 10.

Claim 31. See claim 11.

Claim 32. See claim 12.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 872-9306

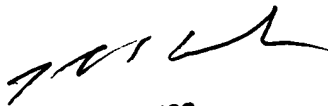
[Official communications; including After Final communications labeled "Box AF"]

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

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